

INTEREST TAKEN BY JEWS FROM GENTILES

AN EVALUATION OF SOURCE MATERIAL
(FOURTEENTH TO SEVENTEENTH CENTURIES)

By S. STEIN, London

Every period of history offers material for an investigation into the interplay between *Sein* and *Bewusstsein*, between reality and ideas or to put it differently between economics and faith. This paper will deal with one specific problem only—with the law on interest taken by Jews from Gentiles. The sources evaluated will comprise the 350 years between 1300 and 1650, and thus include one of the most important periods of transition in Western European civilization, that from the Middle Ages to the Renaissance.

As an introduction to a deeper understanding of our problem a bird's-eye view of its earlier development from Biblical times to the expulsion of the Jews from England might well be helpful.¹

The Pentateuchal commandments on usury presuppose simple agricultural conditions and do not go beyond general exhortations, though they differentiate implicitly or explicitly between the Israelite and the alien. "Unto a foreigner thou mayest lend upon interest, but unto thy brother thou shalt not lend upon interest."² Early halakhic Midrashim, Mishnah, Baraita and Tosefta develop many laws, regulating all details of inter-Jewish and Jewish-Gentile loan transactions, allowing on the whole the taking of interest from Gentiles, and only excluding three days before certain of their festivals from financial operations.³ It was felt that moneylending at such times might help to promote idolatry. According to the Gemara in *Makkoth* one should refrain from interest charges altogether. The passage, however, standing as it does at the end of a tractate, is of homiletic rather

¹ For a detailed account cf. the present writer's "The Laws on Interest in the Old Testament", *Journal of Theological Studies*, n.s. iv (1953), 161-70, and "The Development of the Jewish Law on Interest from the Biblical Period to the Expulsion of the Jews from England", *Historia Judaica*, xvii (1955), 3-40.

² Deut. xxiii. 21, cf. also Exod. xxii. 24 and Lev. xxv. 35-8.

³ *Babba Meši'a*, Mishnah v. 6 and 'Abbodab Zarab, Mishnah, 1.

than halakhic importance. The Gemara in *Babha Meši'a* 70b left the decision open, the first opinion restricting moneylending to Gentiles to economic necessity, the second implying its indiscriminate permissibility. The motive for any restriction is not one of an ethical code with universal validity. The Rabbis merely feared that the Jews might adopt pagan practices and introduce interest-bearing loans amongst themselves (*shema yilmadh mi-ma'asav*). Some of the Geonim reduced the permission to a minimum, perhaps not without some influence of the strong anti-usury legislation of Islam, which was itself modelled on earlier Jewish traditions. In all these centuries, most professions were open to and practised by the Jews. From the eleventh century onwards, economic tendencies shift generally from agriculture and barter to trade, industry, guild formation and town building. The Jews are gradually, though not in all countries and though apparently not entirely against their will, excluded from active participation in the full development of the countries in which they lived. Notwithstanding some authorities who viewed the new trends with anxiety,¹ moneylending to Gentiles on interest becomes again generally permitted for layman and scholar alike, before and on non-Jewish festivals and even on Jewish half-festivals. Occasionally it is even considered to be a special commandment, because it enables the Jew to exist.² Menahem ben Solomon Meiri, who lived in Provence in the thirteenth century and combined great talmudic scholarship with considerable secular knowledge, gives the following summary of the situation without realization of its inherent dangers and even with a sense of satisfaction over the achievement of an important function. "In our days", he says, "nobody cares to refrain from business dealings with, and interest-bearing loans to Gentiles even on their holidays.... Not a Gaon, not a rabbi, not a scholar, not a pupil, not a Hasidh and not one who pretends to be a Hasidh." Christians in his view are not idolaters. They belong to the nations which are included in, or embraced by, the paths of religion.³

¹ Cf. *Sefer Hasidhim*, ed. Wistinetzki (Berlin, 1891), para. 808; ed. Bologna (1538), p. 144. Cf. A. Cronbach, "Social Thinking in the Sepher Hasidhim", *H.U.C.A.* xxii (1949), 4.

² Cf. Rabbenu Tam as quoted in the *Responsa of R. Meir of Rothenburg*, ed. Bloch, (Budapest, 1895), p. 196.

³ Cf. J. Katz, "Sobhlanuth dathith beshitatho shel R. Menahem ha-Me'iri", *Zion*, xviii (1953), 18 f.

Inter-Jewish moneylending on interest, on the other hand, was forbidden or only possible by the use of various legal fictions. One may well define an attitude of this kind as a differentiation between one's "brother" and the "other",¹ or to use Max Weber's famous formula—one between *Binnen-* and *Aussen-Moral*. It must be understood however that the demarcation line was one of faith, not one of geographical boundaries. A definition which distinguishes between "tribal brotherhood" and "universal otherhood" is not applicable.

Such a distinction was not peculiar to the Biblical and Rabbinic law on interest. Raymond de Pennafort, for instance, a Christian scholar and saint of the thirteenth century, quotes the following opinion: "the Jew must be loaded with such a burden of usury, that by the very punishment of the charges imposed upon him he is compelled to move quickly towards righteousness".² Though Pennafort does not identify himself with this view, its main tendency can be traced back to the Church Father Ambrose of the fourth century.³

Gersonides, on the Jewish side of the fence, who lived a little later than Pennafort, has this to say: "It is a commandment to lend money to an alien on interest if he needs it, . . . because one should not benefit an idolater. . . and one should cause him such damage as is possible without deviating from righteousness", i.e. without demanding from him exorbitant rates of interest.⁴ It is clear, from the context, that these passages refer to Gersonides' non-Jewish environment.

Such sentiments are extreme though not isolated.⁵ They reappear throughout the Middle Ages on either side. In spite of the fundamental differences and subtle distinctions between the codes and ordinances of the great denominations, they have in common that their teachings are God-centred yet bound to a specific and exclusive form of faith and tradition.

¹ Cf. B. N. Nelson, *The Idea of Usury* (Princeton, 1949), p. viii.

² Cf. T. P. McLaughlin, "The Teaching of the Canonists on Usury (twelfth to fourteenth centuries)", *Mediaeval Studies*, 1 (1939), 92 and 137.

³ Cf. *De Tobia, Liber Unus*, Migne, P. L. xiv (Paris, 1845), 779. According to the chronicler, the monk Rigord of Saint-Denis († c. 1209), Jewish moneylenders in England cited Ambrose in self-defence, cf. Nelson, *op. cit.*, p. 6.

⁴ For the Hebrew text, taken from his Commentary on Deuteronomy xxiii. 21, and an alternative translation cf. *Historia Judaica, loc. cit.*, pp. 31 f.

⁵ Cf. the uncensored *Tosaphoth* on *Babba Meši'a* 70b s.v. *tashikh* and the Arabic Commentary of Maimonides on 'Abodhab Zarab, Mishnah 3 and 4 (ed. Joseph Wiener, Berlin, 1895).

Theoretically the Jewish legal system was relatively simple. The permissibility of charging interest to Gentiles was on the whole taken for granted. From the twelfth century onwards one only encounters various degrees of, and various motives for, approval and disapproval in face of an established *Halakhab*. There was no Jewish Civil Law and no Jewish secular power to challenge or to counteract the decisions of the rabbis, though the force of economic circumstances is certainly mirrored in the *Responsa* literature. On the whole one can only speak of a *halakhab le-'apar ha-ma'aseh*, a law that has been formulated after the facts had somehow established themselves.

The position of the Mediaeval Church, on the other hand, was beset with considerable logical and religious difficulties. Again and again it stressed the universal applicability of the usury laws. Yet even Innocent III, who was responsible for the famous legislation of the fourth Lateran Council in 1215, does not propose to take action against the Jews, unless they extort heavy and immoderate usury (*graves immoderatasve usuras*)¹ from a Christian. This implies that he too accepted *de facto*, if not *de jure*, a differentiation between Jew and Christian before the law. Moreover, we have no court decisions against Christians who took interest from Jews, as we have no *Beth Din* decisions against Jews who charged interest from Christians.

In compilations of customary law the difficulty is admitted quite openly. Thus the *Sachsenspiegel* (1225) holds that "by the law of God no Jew should take interest, but their station in life has ordained it otherwise".² Some thirty years later a diet of Mainz declares that as loans are necessary and Christians prohibited to lend on profit, the Jew must be allowed to fill the gap. Clement VI (about 1360), on hearing about a Dauphin who had expelled the Lombards from Dauphiné in obedience to the canons, writes to the Archbishop of Lyons that the Dauphin might well tolerate what the Pope himself tolerated, and that it was a pity to expel either Jews or Lombards when it was possible to make profit out of them.³

¹ Cf. S. Grayzel, *The Church and the Jews in the Thirteenth Century* (Philadelphia, 1953), p. 306.

² For other German medieval *Rechtsbücher* and their attitude to Jewish moneylenders cf. G. Kisch, *Jewry Law in Medieval Germany* (American Academy for Jewish Research, *Text and Studies*, vol. III) (New York, 1949), (see Index under *Interest*).

³ Cf. J. Parkes, *The Jew in the Medieval Community* (London, 1938), pp. 297, 304 f.

Sometimes the passion of the spirit gave way to the demands of economic reality. The Jews were then allowed to take interest from Gentiles, and symbiosis of believers and unbelievers continued for a while. Sometimes reality succumbed to the force of faith. In 1290, for instance, 16,000 Jews were expelled from this country to not always known destinations because they were no longer permitted to charge interest and had somehow ceased to be able to maintain themselves otherwise. The situation differs from country to country, from province to province and even from town to town.

So does the temper of Hebrew source material between the fourteenth and seventeenth centuries. Philosophers, Bible exegetes, talmudists, participants in disputations, letter-writers, chroniclers, and even a well-known physician of the Renaissance, have their say in the matter. The evaluation of their dispersed and often mutilated evidence reveals an astounding development—or perhaps we should rather say variety—from unyielding medieval faith to the integration of new economic theories with the traditional pattern of belief, and even—in what might be termed sectarian or marginal literature—to a breakdown of denominational barriers.

The philosopher-exegete Joseph ibn Kaspi (1280–1340) shows himself acquainted with Christian arguments, as does his compatriot and contemporary the above-mentioned Gersonides. Yet he is not dogmatic about it and tries to defend the right of the Jews to lend money on interest to Christians on historical and geographical grounds. He reasons as follows:

When we speak of “brother”, we need not necessarily exclude the Edomite, especially as the Torah uses the word “thy brother” for the Edomite in the same chapter in Deuteronomy in which it differentiates between brother and alien regarding usury. It says there “thou shalt not despise an Edomite, because he is thy brother”. It may therefore be that the word “brother” is used in its wider sense, but it is more appropriate that, wherever it occurs in the Torah without qualification, it should refer to the Israelite only. The same applies to the word “neighbour”. Anyone else would be described as an alien. Be that as it may, one cannot argue against us, that we lend on interest to Christians in this country, because Edom’s name and memory were already wiped out by Nebuchadnezzar.... Today only two or three Edomites are dispersed here and there in the neighbourhood of Mount Seir which is near the land of Israel. How much do our own masses and the others err, when they think that the inhabitants of this country are Edomites. Behold France was inhabited by the same people as today in the days of Nebuchadnezzar and even before him since time immemorial.

These arguments are not altogether new.¹ The identification of Edom with Rome and Christianity has been under discussion since the time of the Mishnah and the Church Fathers. Kaspi's contribution lies in the inoffensive manner in which he develops his thesis.

In *'Ikkarim*,² the work of the Spanish philosopher Albo (1380–1440), we come across a peculiar phenomenon. For the first time a Christian argument originally used against the Jewish interpretation of the usury law in Deuteronomy is not taken up to be refuted or transformed, but to be accepted. According to the Church Father Ambrose³ and to many of his medieval commentators the “brother” of the Deuteronomic law on interest is not a Jew but “our sharer in nature, co-heir in grace, every people which, first, is in the Faith, then under the Roman Law”. The Biblical differentiation between the “brother” and the “alien” applies only to the Amalekites, Ammonites, Canaanites, the notorious foes of God's people. “From him”, Ambrose says, “demand usury whom you rightly desire to harm, against whom weapons are lawfully carried. . . . From him exact usury whom it would not be a crime to kill. Where there is the right of war there is the right of usury.”

Albo declares that the laws on interest do not merely apply to a proselyte, but also to one who is not converted to Judaism. “Interest is to be taken only from an idolater. . . who refuses to carry out the seven Noachite commandments.⁴ According to the philosophers⁵ he may have his life taken too. . . and if it is permitted to take his life, surely one may take his property.” Albo's *we' im gufo mutar, memono kol she-ken* is almost a literal translation of Ambrose's *ubi enim ius est belli, ibi est usurae*.

It must be borne in mind, however, that the summary of Albo's views is a record of a disputation which he had with a Christian scholar. Though it was apparently not that of Tortosa

¹ Cf. Jehudah Rosenthal, “Ribbith min ha-Nokhri”, *Talpiyyoth*, vi (1953), 139 f.

² Cf. ed. J. Husik, third Book, ch. xxv, p. 237 (Philadelphia, 1946).

³ Cf. Nelson, *op. cit.*, p. 3 f. There are certain affinities between Ambrose and Philo. These Jewish-Christian interpretations recur with some adjustments in the writings of David de' Pomi, about whom more later.

⁴ Cf. *'Abodabab Zarab* 64b, and *Sanhedrin* 56b.

⁵ Cf. Plato's *Laws*, Bk x, 909, Loeb Classical Library (London, 1926), p. 209. I am indebted for this identification to Dr Walzer of Oxford. Ibn Kaspi in I. Abrahams' *Ethical Wills* (Philadelphia, 1926), I, 126, quotes the same statement in a slightly different form ואשר אפלטי' הוננו מי שאין לו דת

which was held in public in 1413 and in which he was one of the Jewish spokesmen, he had to confine himself to arguments which were in a way biblically and rabbinically defensible and lent themselves at the same time to an appeasement of his opponent. Had he written something different even in Hebrew, the many learned and influential baptized Jews of his time might have added more fuel to the burning life-endangering controversies then raging.¹

How "Christian" his arguments are, can best be judged from a comparison with four out of five Latin translations of the "613 Commandments", which were done by baptized Jews, Protestant and Catholic Hebraists, and which appeared in the sixteenth century.² Münster alone (1533) follows his Hebrew source faithfully, at any rate with reference to the law on usury. All others, Justinianus (1520), Riccius (1541), Genebrardus (1569), and Phillipus Ferdinandus Polonus (1596), make alterations or add comments to bring their translations into line with the earlier views of their own Church. Thus Riccius, translating Moses of Coucy's version of the "613 Commandments", adds a lengthy note "against the mad crowd of the Jews who do not consider Christians as their brothers" (Prohibition 191). Genebrardus's distinctions lead back to the above-quoted Ambrose who echoes ancient Jewish deductions himself: "You must not *receive*³ nor *take* interest. To an idol-worshipper you may lend on interest." Maimonides, the source from which Genebrardus pretended to translate, considered Christians as idolaters,⁴ and he did not say you may but you must charge them interest.

The full implications of Albo's statements, whether one takes them at their face value or not, must thus be measured against their theological background. Compared with the utterances of thirteenth- and fourteenth-century Judaism, they seem to be on the defensive. That the "retreat" is not altogether one-sided will appear later.

¹ Cf. J. F. Baer, *Toledoth ha-yehudim bisfarad ha-no'ar* (Tel Aviv, 1945), II, 412 ff.

² Cf. the author's "Phillipus Ferdinandus Polonus", *Essays in Honour of the Very Rev. Dr J. H. Hertz* (London, 1942), pp. 403 ff., 412.

³ Cf. F. X. Funk, "Zur Geschichte des Wucherstreites", *Festschrift A. Schäffle* (Tübingen, 1901), p. 262.

⁴ Cf. Maimonides' *Arabic Commentary on the third and fourth Mishnah of 'Abodah Zarah*, ed. J. Wiener (Berlin, 1895). Though Maimonides accepted Rabh Huna's first restriction of *Babha Me'i'a* 70b, he considered the Deuteronomic law as a positive commandment. Cf. his *Hilkoth Malweh Weloweh* v and his *Sefer ha-miswoth*, Positive Commandments 142 and 198.

To understand the economic reality behind these arguments, it is necessary to consult those branches of contemporary Hebrew literature which are not at all concerned with interdenominational disputations and theoretical controversies, but represent life as it was. Italian Jewish writings particularly are full of important references. Nobody here questions the legality of charging interest from Gentiles, and all apologetic tendencies in the evaluation of the sources fall to the ground in the face of overwhelming evidence. Rabbi Joseph Kolon (d. 1480), for instance, who came from France and held a distinguished position in the Italian Rabbinate during the second part of the fifteenth century, reports casually in his *Responsum* 81¹ that it is the habit of the Jews in all the provinces of France to lend money on interest to Gentiles. Similarly he states that to do so is the main occupation of the Jews in Italy and that they are hardly engaged in any other business.² Abraham ben Mordecai Farissol (1451-1526) who also originated from France and spent the greater part of his life in Italy expresses himself in a similar manner.³ Yehiel Nissim of Pisa, an Italian Rabbi, banker, philosopher and Kabbalist (1507-74), confirms Kolon's and Farissol's impressions many decades later.⁴

Occasionally we find references to the wealth moneylending could bestow on those who occupied themselves with it. Thus in 1495, the house of a banker in Pola is admiringly described by an anonymous Venetian scholar-traveller as a royal palace lacking nothing.⁵ A little later, a disciple of R. Meir Katzenellenbogen of Padua (about 1482-1565), R. Elijah Kapsali of Kandia (1490-1555), to whom we are indebted for a History of Venice, con-

¹ Ed. Venice, 1519.

² Cf. his *Responsa* 118 and 132.

³ Cf. his *Maghen Abraham* which is also called *Wikkuah ha-Dath*. The section on interest, par. 73, was first edited by S. Löwinger, *Ha-Sofeh*, XII (1928). This edition has hardly any commentary and is based on two manuscripts only. It will henceforth be referred to as L. I have collated additional material from Hebrew MSS., British Museum, Or. 6892 (A), Add. 27, 108 (B), Bodleian MSS. Mich. 284 (C), 302 (D), 319 (E), 549 (F). E, one of the oldest MSS. of the disputation, has an additional remark on the frequency of Jewish moneylending in Italy at the beginning of the chapter. For further information on Farissol see Löwinger's article in the *Revue des Études Juives*, n.s. v (1939).

⁴ Cf. U. Cassuto: *Gli Ebrei a Firenze nell'età del Rinascimento* (Florence, 1918), p. 429.

⁵ Cf. J. D. Eisenstein: *'Ozar ha-Massa'oth* (New York, 1926), p. 124b; for Corfù and Zante, cf. pp. 167b f.; for Famagusta on Cyprus, cf. p. 169b.

trasts circumstances there with murder and expulsion then taking place in Germany. "The Jews", he says, are "owners of loan-banks and God has blessed them with wealth, because they devote their time to the study of the Law, and *Yeshibboth* are founded."¹ He objects, however, to luxuries which provoke envy, and rebukes a rich banker for hiring one of the most expensive houses as his office because it became a strap of castigation for the Jews of Venice. That irregularities too took place is obvious; that as in the Middle Ages they were not committed by Jews only is equally clear. Early propaganda of the Franciscans was, in fact, not specifically directed against the Jews. *Hebraei et Christiani usurarii* are the target of Bernardino da Feltre.²

It is known that the establishment of Jewish loan-banks was subject to a licence of the papal administration or of the local rulers or of both.³ Sometimes it was granted in conjunction with the leaders of the Jewish communities. The stipulations of these "*condotta's*" varied from time to time and from place to place. Often the concession had to be bought at a high price, and it is significant that Kolon uses the expression *pizzur mamon*, the throwing-away of money, to indicate the difficulties connected with the obtaining of a licence.

Throughout our period wilful alterations of "*condotta's*" were made by the rulers, and the economic insecurity of the Jewish moneylender increased, however much he might profit from an occasional "boom". Often his life and also that of other Jews in the town was endangered and massacres and expulsions took place. "Everyone knows", says Kolon, "that it is a custom among the rulers to fall upon the banks" (*Responsum* 24). Once an

¹ Cf. N. Porges, *Élie Capsali et sa Chronique de Venise*, R.É.J. LXXIX (1924), 33. For a similar statement on Germany, cf. the halakhic compilation *Leket Yosher* by the German talmudist Joseph ben Moses (fifteenth century), who later emigrated to Italy (ed. J. Freimann, Berlin, 1903, I, 118 f.); see also Elijah Pesaro's report on Famagusta as in n. 5, p. 148.

² Cf. *Responsa* of Kolon, 132, 192, 20. For other *Responsa* of Kolon which have a bearing on the subject of moneylending to Gentiles see especially numbers 15, 97, 118, 173, 187, 195, and also a typewritten thesis by H. Rabbinowicz on R. Joseph Kolon (London, 1947), pp. 162-7, 199-219. For other *Responsa* on the subject, cf. those of R. Meir Katzenellenbogen of Padua, Venice, 1553, number 41, and of Menaḥem 'Azariah da Fano (1548-1620), Dyhernfurth, 1788, numbers 52, 83, 113. On the whole talmudic and medieval laws on prescriptive rights, *hezqath ba-yishubb* and *herem ba-yishubb*, proved to be sufficient to administer justice between authorized bankers and newcomers who came to establish themselves in the same place as the former.

³ Cf. H. Grätz, *Geschichte der Juden* (4th ed., Leipzig, no date), p. 240.

exorbitant loan, apparently without interest, was demanded by a duke, on the understanding that taxes would be reduced. After the money was handed over, the stipulation remained unobserved and there was no certainty of the loan ever being repaid (Kolon, *Responsum* 3). On another occasion, Christians were to be freed altogether from paying interest on their debts, and all the efforts of the Jews to annul the decree of the prince were in vain.¹

הוציאו על זה הוצאה רבה וצללו מים אדירים העלו חרם בידם.

Matters reached a climax during the propaganda of the Franciscans for the establishment of Christian loanbanks, the *montes pietatis* which were to work on a non-profit basis.² Thirty years ago, before they came", says Kolon in *Responsum* 192, "the leaders of the Jewish community could perhaps under certain conditions follow the lenient viewpoint of Rabbenu Tam and grant an application for admission to a banker who wished to settle in a town where there were already one or several banks. It would only mean that the one banker would earn less, but now such an attitude is no longer permissible, because at that time the friars did not preach regularly at all, but now"—I am translating from the uncensored *editio princeps*—"for our sins... the friars (*ba-doreshim*) who are a strap of castigation for Israel preach every day to destroy us... and but for the Lord's lovingkindness they would swallow us alive." At the end of the *Responsum* the same idea is repeated. Only an additional moment is mentioned, the yearly Lenten sermons. "The hand of the friars is heavy upon us, and once every year the matter reaches a point when both body and property are endangered."

So great was the havoc caused to the Jewish communities by these Easter orations that quite frequently clerical and worldly rulers dissociated themselves from the friars and drove them out of their cities.

The Chroniclers tell the same tale, especially for the time of Paul IV (1555-9) and Pius V (1565-72). Gedaliah ibn Yahya³ (*flor. c. 1560*) refers to the enforced reduction in the rate of interest under Paul IV, and Joseph ben Joshua ha-Kohen⁴ (1496-

¹ Cf. *Responsa* of Meir of Padua, numbers 39, 41, and *Responsa* of da Fano, number 82.

² Cf. the extensive article by P. H. Holzapfel, "Die Anfänge der Montes Pietatis, 1462-1515", *Veröffentlichungen aus dem kirchenhistorischen Seminar München* (1903), number 11.

³ Cf. his *Shalsbelet ha-Kabbalah* (Amsterdam, 1697), p. 96b.

⁴ Cf. his *'Emek ha-Bakha*, ed. Letteris (Vienna, 1852), pp. 130, 139.

1575) reports that moneylending was altogether forbidden under Pius V. Da Fano, near the end of the century, has still to say: "To-day the verse of the Bible 'and Israel has become very poor' has been fulfilled on us, and permission to lend on interest is like a find that comes inadvertently, something that does not occur at all." (*Responsum* 67).

It is against the background of such constant change between security and even wealth, and of the experience and fear of persecution and expulsion, that the theoretical discussion on interest by the three Jewish humanists Isaac Abarbanel, Abraham Farissol and David de' Pomi has to be set.

Abarbanel's (1437-1508) view is laid down in his commentary on the relevant passage in Deut. xxiii. 21 and forms part of his elaborate exegesis of the whole book. He had completed its first draft whilst still in Lisbon, and it had reached the house of his friend, the banker Yehiel of Pisa, before he himself fled to Italy from Spain many years later. It is known that he revised and enlarged the original version before completing it in Monopoli¹ in 1496, but we cannot tell whether he added the chapter on usury in Italy. The Christian sages and the "masters of the land" before whom he expounded his theories may have been his listeners in Italy as well as in Portugal or Spain. The text in the usual editions is heavily censored. Only the separate volume *Mirkebbeth ha-Mishneh* which appeared in Sabionetta in 1551 has the original version.

In Albo's *Ikkarim* we suspected an adaptation to the views of his Christian partner. One cannot say this of Abarbanel's uncensored presentation of the question. It is on the contrary quite clear that he could not have said all he wrote. We know *inter alia* of two other medieval disputations, that in which Yehiel of Paris took part in 1240, and that in which Nahmanides took part in 1263. I. F. Baer has proved that neither the Hebrew nor the Latin versions of these disputations can be considered as fully reliable records.² Both camps tried to make an impression on the faithful readers of their own circle. In the case of Abarbanel we have the Hebrew text only, but occasional attacks against Christians such as those in the introduction and in the first answer were as impossible at the end of the fifteenth century as they were in the middle of the thirteenth.

¹ Cf. Abarbanel's own statement in his preface to his *Commentary on Deuteronomy*.

² Cf. The Disputations of R. Yehiel of Paris and Nahmanides, *Tarbis*, II (1931), 173 ff.

At the beginning Abarbanel presents the two traditional explanations of the Deuteronomic Law: that of the *Sifre*, Maimonides and Gersonides, who consider the taking of interest from Gentiles as a commandment, and that of the *Gemara* and the majority of authorities, who interpret the Biblical law in terms of permissibility.

Without committing himself to either he proceeds to answer the main objections of Christian scholars to the Jewish differentiation between the alien and the brother.¹ They maintain that the Torah is not concerned with the purity of heart and its perfection, but only with utilitarian motives. They try to prove their point from the Deuteronomic law on interest. "Moreover", they say, "usury is against Natural Law."² In order to "soothe the ear", Abarbanel gives four answers.

If the elimination of the inhabitants of ancient Israel in Biblical times is accepted by Christian scholars as a divine commandment, why should they be against charging them interest? Using Albo's³ formulation which confines the validity of the Deuteronomic law to the period of the conquest of Palestine in Biblical times, Abarbanel thus accepts for the moment Ambrose's argument.

In his second reply, he maintains that the word "*nokhri*" merely refers to a baptized Jew, *ha-mithnakker lelohav*, who estranges himself from his God, not to a specific nation. Christians, for instance, are Edomites, and the Edomites are our brothers according to the Torah. Only from a baptized Jew may one therefore take interest. Again he accepts, preliminarily at any rate, a Christian argument, familiar to us from Ibn Kaspi, who refuted it. The proposed equation *nokhri* = *meshummadh* is based on the *Mekhila* and the *Targum* on the word *ben nekhar* in Exod. xii. 43, and has nothing to do with our verse in *Deuteronomy*. Abarbanel himself follows Rashi's traditional explanation in the Exodus passage, and it is quite clear that he felt how inadequate his exegesis was from the halakhic point of view. He adds—only in the Sabionetta edition—that he gave this answer in particular in order to promote peace.

The third answer has its roots in the *Gemara Babha Mesi'a* 70b.

¹ The following account of the theories of Abarbanel, Farissol and de' Pomi is abbreviated.

² Ever since the thirteenth century such objections, supported by Aristotle and Plato, had been raised by Christian scholars. Cf. *Historia Judaica*, loc. cit., p. 24.

³ אם הותר ממנו נופו לא כל שכן ?

La-nokbri tashikh is supposed to mean that the Jews should borrow from the Gentile and pay him interest, in order to avoid inter-Jewish loan transactions, which would involve both the lender and borrower in a transgression against the obligations towards the idea of brotherhood between the members of the Covenant. Abarbanel does not mention that the Gemara itself refutes the argument. It is interesting that Obadiah Sforno, who died in 1550, has a commentary on the passage in Deuteronomy which is almost identical with that of Abarbanel. Such interpretation on the part of the famous savant and physician, who was at one time the teacher of Reuchlin, can perhaps best be explained by the fact that the *editio princeps* of his commentary appeared in 1567 during the reign of Pius V, the more so as the same scholar took it apparently for granted that Jews could also charge interest from Christians, as can be seen from an exchange of letters between him and R. Meir of Padua.¹

Only the fourth argument of Abarbanel is straightforward and unassailable both on philological and historical grounds. Though remaining within the framework of accepted Halakhah on all points, it represents the first known Jewish attempt at an economic theory which foreshadows the general development towards capitalism so characteristic of the sixteenth century.² His former experience with the administration of finance at the Royal Courts of Portugal and Spain made him particularly qualified to speak on economic matters.

This is what he has to say:

There is nothing unworthy about interest *per se*, because it is proper that people should make profit out of their money, wine and corn, and if someone wants money from someone else, why should the borrower not give the lender a certain amount of interest? Why should a farmer, for instance, who received so much wheat to sow his field, not give the lender 10%, if he is successful, as he usually would be? This is neither despicable nor contemptible. It is an ordinary business transaction and correct. Nobody is under obligation to give his money

¹ Cf. the *Responsa* of Meir of Padua, numbers 48, 49.

² The thirteenth century French Rabbi Me'ir ben Simon might, however, be considered as an early forerunner of Abarbanel. His views are expressed in his *Milhemeth Miswab*. The relevant part of this Parma MS. has not yet been published. I hope to publish it in the near future. Cf. for the time being H. Gross, "Meir ben Simon und seine Schrift Milchemet Mizwa", *M.G.W.d.J.* n.s. XIII (1881), 295 ff., and S. Grayzel, *op. cit.*, pp. 46 f. The thirteenth century in this as in many other respects appears as a renaissance before the Renaissance.

away to somebody else, unless it be for the sake of charity. Equally, one cannot be compelled to lend one's money free of interest, unless for the sake of charity. God considered the matter of interest-free loans to be on the same level as the year of release. Both are applicable only *vis-à-vis* the brother, i.e. the co-religionist, to whom we owe special kindness and consideration. The case is different with the laws on theft, robbery, murder and adultery, which are of universal validity. Hence these latter commandments are categorical, with no award attached to them, whereas the laws on interest from a brother and the regulations about the release year carry additional divine promises with them, "so that the Lord thy God may bless thee".

It does not mar the forcefulness of Abarbanel's presentation, that the second part of his fourth argument is borrowed without acknowledgement from Kimhi, Nahmanides and Bahya ben Asher.

Abarbanel sums up with a reiterated assurance to his Jewish readers that what he said was only meant to promote peace. What a Jew should really believe is laid down in the traditions of the sages. He thus returns as it were from his mission as a Foreign to that of a Home Secretary.

Already before he had completed his *Mirkebbeth ha-Mishneh* in Monopoli in 1496, a disputation had started in Ferrara at the famous Court of Ercole d'Este I. Those present were the Duke, his wife, his brothers, a certain Bartolomeo Gogo,¹ a number of unnamed scholars, the Dominican Ludovico de Valenza,² the Friar Minor Hieronymus Malviti Ferrariensis³ and, according to Löwinger, the Cardinal of Trani.⁴ On the Jewish side there

¹ This Gogo was employed as a *notaio della fattoria* of Ercole I. Cf. G. Bertoni, *La Biblioteca Estense e la Cultura Ferrarese ai tempi del Duca Ercole I*, p. 163. It is suggested by Bertoni that he may be identical with the poet Bartolomeo Gogio who also lived at Ferrara at this time. For unpublished work of Gogo, cf. G. Antonelli, *Indice dei Manoscritti della Civica Biblioteca di Ferrara* (Ferrara, 1884), p. 208.

² He is mentioned among the *littérateurs* of the Court together with other theologians, philosophers and mathematicians by Bertoni, *op. cit.*, p. 116. For some more biographical details, cf. Quetif-Echard, *Scriptores Ordinis Praedicatorum*, I (Paris, 1719-21), 882 ff., and Antonelli, *op. cit.*, p. 228.

³ He was *iuris utriusque professor* at Ferrara, cf. Antonelli, *op. cit.*, p. 193.

⁴ In Löwinger's edition of our text, *op. cit.*, p. 286, the name is given as הנומן מטרני, in MS. Oxford Mich. 302 as מטרניי. MS. Or. 6892 of the British Museum has מטרניי. Margoliouth in his *Catalogue of Hebrew Manuscripts in the British Museum*, part 3 (London, 1899-1915), p. 470 refers to a priest of טרינו as mentioned in chapter 74 of MS. Add. 27108. The cardinal referred to may be the Cardinal of Trani who is mentioned as an occasional visitor in Ferrara on a festive occasion in 1497 by L. A. Muratori, *Rerum Italicarum Scriptores* (Milan, 1738), p. 350a.

was apparently only the humanist, ḥazzan and scribe, Abraham ben Mordecai Farissol. Apart from other works¹ he compiled the Hebrew record of the proceedings to which he still made additions at the beginning of the sixteenth century. The introduction to chapter 73 summarizes the familiar Christian opinions on Jewish moneylending and emphasizes the urgency of the defence, because "the preaching friars bring up the problem of interest day by day to smite Israel with the rod of their mouth".

As the last argument of Abarbanel some of the seven "answers" of Farissol represent a definite opposition to medieval economic concepts. His formulations are very early, even if set against the general background of his time, though they might well be traced back to some views of progressive Civil lawyers or to those of "heretics". In contrast to the view of the Canonists who, following Aristotle, considered money as barren metal,² a distinction is now drawn between primitive and advanced society. Or in his own words:

After society had expanded³ and people began to be distinguished from one another by their views... and after each, according to his station in life, reached out to collect for himself the good things on earth, there followed necessarily⁴ a new Nature and another Order.⁵ The custom of giving to another person something for nothing ceased, unless that person was poor. Thus the law has developed to pay rent for houses, to pay one's workmen and to make loans... All comes for a price... Sometimes credit is of even greater value than the lending of an animal or a house. Hence... it is appropriate to give some compensation to the owner of capital. A proof for this argument is that

¹ He wrote commentaries on various parts of the Bible, and on the *Pirke Abboth*, and a geographical work *'Iggereth 'Orboth 'Olam*, important for its time, and printed in Venice in 1586. In addition he copied manuscripts on halakhic and philosophical matters which are dispersed in many of the great European libraries.

² The inter-denominational similarity of the medieval outlook is strikingly illustrated by Gersonides' definition of money *אין מדרך הכסף לעשות פירות* (cf. his commentary on Leviticus xxv. 36-7 (Venice, 1547).

³ Thus according to MSS. A, B, C, E, F (נחירה). D and L read נחירה.

⁴ נחירה according to all MSS. except L.

⁵ The Swiss reformer Zwingli (1484-1531) holds similar views. Once private property has been established it becomes theft to withhold payment of interest-charges or rent (quoted by Nelson, *op. cit.*, p. 66). Farissol, however, does not say that the same considerations apply to inter-Jewish transactions. It may be pointed out that even in medicine it was felt necessary by eminent physicians of the Renaissance to justify their departure from "orthodox" practices by references to the change of Nature.

even the Canonists—the *ba'ale ha-dathoth*—have agreed that one may pay up to 5% for the lending of money. For the rent of houses the rate is up to 8%, and they do not call it interest at all, because the beneficiaries¹ derive a great advantage from it. Dowries too could be invested on interest up to 10%.

Farissol is obviously referring to the *Montes Pietatis*² which were forced to charge a small amount for the maintenance of their administration. He also had in mind the regulation of Martin V who in 1425 allowed rent charges for houses after people had refused to pay on the ground that they fall under the category of usury. As to dowries Innocent III permitted as early as in 1206 that they could be passed on to some merchant so that an income might be derived by way of honest gain.³

The sharp eye of Farissol detected the internal economic adjustments of the Catholic Church which took place before the Reformation, and particularly before Calvin broke with the traditional interpretation of the Deuteronomic Law. How well Farissol was acquainted with the economic theories of the Canonists can be seen from his references to Aristotle's *Ethics* and *Politics*, both of which contain passages on usury.⁴ The use of the term *hanhaghat ha-battim* for economics also betrays acquaintance with those branches of Hebrew literature which, through Arabic translations, lead back to the main sources of Classical antiquity.⁵

The next four answers are typically medieval, and merely enlarged repetitions of earlier views: the unchangeability and perfection of the Mosaic Law, the binding force of rabbinic regulations, the true meaning of the word "*nokbri*", and a thorough historico-geographical refutation of the equation Edomite = Christian. The last argument on the rate of interest is again a valuable contribution to the practical and theoretical problems involved, even if one can easily think of objections, which Farissol conceals, and which are likely to have been raised

¹ L reads לכהנים; all MSS. I consulted read לכהנים. L might refer to the rent with which the land of the clergy was charged.

² Cf. *inter alia* R. H. Tawney, *Religion and the Rise of Capitalism* (London, 1938), p. 64.

³ Cf. W. J. Ashley, *An Introduction to English Economic History and Theory*, 1, part 2 (London, 1893), 409 ff., 419.

⁴ In Bks. I and IV respectively. MSS. C and F read בפסר פוליטיקה לאדם (Politics). The others במדות (Ethics).

⁵ Cf. M. Steinschneider, *Die hebräischen Übersetzungen des Mittelalters* (Berlin, 1893), p. 209.

during the discussion, if not by the princes, at least by their clerical advisers.

"One need not ponder", he says, "over the rate charged because it is agreed upon by the communities who require money from the Jews. It fluctuates according to the difference in locality and customs and the easy availability or scarcity of silver and gold in a particular place, to the demand for it, and the benefit one may derive from it. The Pope¹ himself gives permission to the rulers of the State to allow the Jews to charge interest, whether the accepted rate be high or low. Moreover, the Jews pay taxes and levies for their '*condotta*'s', first to the Pope in every place under his jurisdiction, and then annually to the secular rulers of the other States. The urban communities who pay interest derive great benefit from the Jewish taxes for the betterment of their cities. If people in need of money do not find Jews or other moneylenders they will lose more than by paying interest, because they will either buy what they need from someone else on credit and at a high price, or they will bring along garments or precious possessions in exchange.... This is well known to the merchants of the Gentiles who have an understanding of the times. They sell their ware on credit at certain seasons (when prices are high), and do twice as much damage as the fixed rate of interest known to be charged by the Jews. This rate is low, quite apart from its being based on mutual agreement."

Farissol concludes that the Jew may unquestionably take interest, yet blessing will be bestowed upon him who keeps away from a bad reputation and chooses the good, i.e., decent work and respectable business (הסחורות הראויות). The text is again not a verbatim record. Farissol himself admits that he refers to the opinions of the Christian disputants only briefly, whereas he reports his own answers at length. Yet his version seems near the truth. Though he is firm, the general tone is moderate and at the end even conciliatory, as it would have to be in reality. One must not forget that even in Ferrara with her relatively steady tradition of friendliness towards the Jews, Ercole himself compelled Jews and Marranos to wear a yellow badge in 1496.² Farissol may have appeared at the Court wearing the mark of shame sewn to the front of his dress.

The list of persecutions and expulsions in Italy during the first part of the sixteenth century is long enough, but it was between

¹ Alexander VI Borgia (1492-1503).

² Cf. E. G. Gardner, *Dukes and Poets in Ferrara* (London, 1904), p. 324.

the period of Julius III and Pius V, i.e. between 1550 and 1572, that almost every form of Jewish spiritual and economic freedom was destroyed. The rules of the censor came into full force. In 1553 all available copies of the Talmud were burnt in Rome. A year later an important rabbinical assembly took place in Ferrara.¹ It was presided over by R. Meir Katzenellenbogen of Padua. Delegates were present from Rome and all the major Italian cities. One of their resolutions was that every Jewish book to be published henceforth needed the approval of three rabbinic authorities. There is little doubt that these scholars did what they did because they feared the destruction of their entire literature, unless they dropped all references which might in any way be offensive to their Gentile neighbours. It was apparently in connexion with this new decision that a printing-press, headed by R. Joseph Ottolenghi, was set up in Riva di Trento. Between 1558 and 1562 some twenty books were thus edited or re-edited under a self-imposed censorship.²

Under Gregory XIII and Sixtus V (1572-90) a change took place for the better. A year after the latter had come to the throne, the physician David de' Pomi³ could dedicate his *Hebrew-Latin-Italian Talmudical Dictionary* to him, whilst in 1588 he published his *De Medico Hebraeo Enarratio Apologetica* in which he set himself the task of putting on record the devoted services of distinguished Jewish doctors of the past. This book, written in Latin, also contains de' Pomi's views on moneylending to Gentiles and the general propositions on which he based them. It is remarkable from the outset—though perhaps understandable, if one considers its apologetic purpose—that it reflects so little of the anxieties and misfortunes which he had shared with his people in those critical years between Julius III and Pius V. "Jews and Christians", he says, "seem to differ little from one another; they worship one God, believe in the same miracles and observe the same laws with the exception of traditions and ceremonial observances which the former declare to be unchange-

¹ Cf. L. Finkelstein, *Jewish Self-Government in the Middle Ages* (New York, 1924), p. 306.

² Cf. M. Steinschneider, *Catalogus Librorum Hebraeorum in Bibliotheca Bodleiana* (Berlin, 1931), s.v. Joseph Ottolenghi, and J. Sonne's informative article, "The Expurgation of Hebrew Books, the Work of Jewish Scholars", *Bulletin of the New York Public Library*, XLVI (December, 1942), number 12.

³ For a summary on de' Pomi's life (1525-93?) and works, cf. H. Vogelstein and P. Rieger, *Geschichte der Juden in Rom*, II (Berlin, 1896), 259 f.

able.¹ Who of the Catholic Fathers preaches that God should not be loved with all one's heart and all one's soul and all one's might? Who has ever denied that one should love one's neighbour as oneself? And which injury by word or deed has ever been done to a Jew by a Christian as a Christian?² If one took away love from the Jewish religion, it would seem altogether abolished."

Such an opinion can perhaps be traced back to an utterance by R. Akiba in the *Sifra* on *ve'ahabhta lere'akha kamokha* (Lev. xix. 18): *Zeh kelal gadhol ba-torah*. Gudemann, moreover, quotes a manuscript commentary on Canticles by Immanuel of Rome, the contemporary of Dante, in which he states that love is the great principle round which the whole Torah revolves.³ Crescas⁴ and Albo,⁵ both confronted with Christian attacks on the national limitations of Judaism, express similar views. Yet it should be pointed out that the great rabbinic authorities and codifiers refer the word *re'a* in Lev. xix. 18 only to him who is a "neighbour" in Torah and Commandments. Christian scholars of the Renaissance deliberately changed the texts of their *Vorlagen*, when they translated them into Latin.⁶

To support the theory of inter-confessional brotherhood de' Pomi quotes his contemporary Marquardus de Susannis. This Christian scholar, described in his *Tractatus de Judaeis* as *clarissimus iuris utriusque doctor*,⁷ objects to the Jews taking interest from Gentiles, because they are not aliens in respect to their cult but brothers. Christians receive the Jews mercifully in their countries and are therefore neighbours.

De' Pomi does not mention that Marquardus dedicated his book to Paul IV, expressing his personal satisfaction with the severe legislation against "Judaeorum licentiam labem ac pestem pontificiae ditionis".⁸ Elsewhere Marquardus repeats the usual

¹ One is reminded of a similar statement of the early Church Father Tertullian who expressed himself in the following way: *Quid enim erit inter nos (Christianos) et illos (Judaeos) nisi differentia ista? (Adversus Praxeam, 31)*. *Differentia ista* refers to the belief in Christ.

² *Enarratio...* (Venice), pp. 58 ff. For the sake of brevity the order of sentences in the original has been slightly changed.

³ Cf. Gudemann, *Geschichte des Erziehungswesens und der Cultur der Juden in Italien während des Mittelalters* (Vienna, 1884), p. 143.

⁴ *'Or 'adonai*, p. 51 f.

⁵ *'Ikkarim*, p. 237.

⁶ Cf. the author's "Phillipus Ferdinandus Polonus", *loc. cit.*, p. 403.

⁷ Cf. the title-page of the Venice edition, 1568.

⁸ Cf. introduction to the *Tractatus de Judaeis*.

restrictions imposed upon the Jews by the Church, and does not even dissociate himself clearly from stories about ritual murder and poisoning of wells, attributed to the Jews.¹ It is true that he also advocates loving the Jews *propter implementum caritatis*, and because they are the participants of our (Christian) nature, but this love, admitting harshness and severity, is based on the assumption of the absolute superiority of Christianity over Judaism.

Seen in the framework of the history of an idea, de' Pomi follows up a development which had started with Albo's adaptation of the Christian interpretations of the relevant Pentateuchal laws, though one would not compare the dignity and scholarship of the older with the verbosity and superficiality of the younger.

The by now established rules of censorship could hardly be ignored by anybody without serious risks. Naturally, de' Pomi accepts and stresses them. "Wherever", he says, "anything is found in Jewish books against the nations, it must not be adduced against the Christians, but against the seven nations of old."² He enforces his statement by a reference to a similar remark made by *Rabi Sarvadeus* [sic] *satis excellens doctor, exponens volumen quod tractat de cultu externo*. He apparently thinks of the second edition (1559) of R. Obadiah Bertinoro's (died shortly after 1500) *Commentary on the Mishnah 'Abhodbah Zarah* and the introduction thereto. The *editio princeps* (1549), however, of Bertinoro's work has no such observation.

"The Christian", de' Pomi continues, "is a descendant of Esau, hence he is the Jew's brother and we must not do him evil nor take interest from him." The old equation Edomite = Christian is also approvingly reintroduced from a contemporary work *De Foenore Judaeorum* by the Dominican philosopher and theologian Sixtus Medices.³

Only in the last part of this section does de' Pomi leave the medieval arguments to return to the problems of his day: "If the Jews do sometimes take interest from Christians, it can either be maintained that they abuse the Law, or"—and here his arguments are almost identical with those of Farissol—"their transactions represent an official agreement between the parties concerned." Everything, however, that is conceded officially and freely, must

¹ Cf. *Tractatus de Judaeis*, pp. 80 ff. and 32 b.

² Cf. his *Enarratio* . . . , *op. cit.*, p. 63.

³ Edit. Venice 1555. For some biographical details, cf. Quetif-Echard, *Scriptores Ordinis Praedicatorum*, II, 179.

be considered as arranged for the common good. The Jew does not, therefore, take interest from the Christian as if he were an alien, but he acts under the veil of some agreement. He could effect the same transaction with a Jew according to recent rabbinic authorities. De' Pomi does not explain his reference to such enactments but he thinks apparently of the so-called *Hetter 'Iska'* and certain ordinances, which allowed charity money to be invested in interest-bearing loans. Both concessions represent internal developments of Jewish Law which have their parallels in Canon Law.

In practice, de' Pomi's laboured defence came late,² and whilst he was trying to achieve harmonization between the sociological reality of his day and the old Jewish concept of usury, a revolution long prepared had taken place which shook the world and changed its spiritual and economic face. Renaissance and Reformation had broken down the walls of a unifying faith, a unifying philosophy and a unifying social order. Or should we substitute the adjective "separating" for "unifying"? Subsequent events leave one in doubt about the true yardstick of evaluation.

It was Calvin, however, who challenged the Deuteronomic differentiation between the brother and the alien on principle. According to him, interest is only forbidden in so far as it is opposed to equity and charity. Otherwise *nous sommes frères, voire sans aucune distinction*. The enunciation of his programme became the decisive formula for the new spirit of capitalism and for everyone from the sixteenth to the nineteenth century who pleaded for economic freedom.³

¹ One form of this, technically called *farsha*, is a business arrangement between lender and borrower. According to its terms, the transaction changes its character in the course of time in the following manner. Until some previously fixed profit, say 100% of the capital, is accumulated, the borrower is regarded as an agent of the lender, i.e. he is paid for his efforts, has no share in the amount of interest charged and no responsibility for any loss incurred. After this initial period, the transaction assumes the character of a loan, and responsibility for any loss falls on the borrower, who henceforth becomes the sole recipient of further gain. Cf. *Sbulhan 'Arukh, Yoreh De'ab*, § 167. For another more frequent arrangement, apparently the source of what is technically labelled as *Hetter 'Iska*, cf. *Yoreh De'ab*, § 177. For charity money, invested in interest-bearing loans, see *Yoreh De'ab*, § 160.

² As usual, years of harsh legislation were followed by periods of greater leniency, and as early as 1586 Sixtus V had re-admitted Jewish money-lenders to Rome and allowed them to open fifty-five banks. Cf. S. W. Baron, *A Social and Religious History of the Jews*, II (New York, 1937), 178.

³ Cf. B. N. Nelson, *op. cit.*, pp. 74 ff.

In spite of its unquestionable dependence on external religious and economic influences, the peculiarity of the inner development of Judaism stands out clearly. A millennial discussion on the problem of interest taken by Jews from Gentiles has passed before our eyes. But nowhere do we find a complete break with traditional concepts. On close examination even de' Pomi's Latin *Enarratio* remains in a way within the medieval framework of its Jewish and non-Jewish predecessors. It has its inaccuracies and its distortions, unconscious or otherwise, but it still turns to rabbinic authorities as well as to Catholic theologians for support and there is no open defiance of ancient modes of interpretation. In sharp contrast to the Calvinist criticism of the Deuteronomic law, de' Pomi wishes to write and to be read as an orthodox Jew and addresses himself to orthodox Catholics, however small the practical difference between the medieval and the modern theory may appear.

There is only one utterance, written in Hebrew between 1500 and 1620, which from its contents and even more from its context must be understood as an uncompromising change of attitude, though it is given under anonymous cover. The Bible, as with Calvin, is still considered a sacred document, but its interpretation is entirely untrammelled by consideration of rabbinic traditions and indeed opposed to them. I am referring to the exegesis of the Deuteronomic law on usury as given in the famous *Kol Sakhal, Voice of the Fool*, a book of relatively small size, which contains perhaps the sharpest and most concise arguments against the validity of talmudic authority ever written. Reggio, its editor,¹ and with him most scholars of the nineteenth century, attributed the work to Leone da Modena of Venice (1571-1648), eminent talmudist and according to his own testimony jack of not less than twenty-six trades, including that of a dancing-master, a producer of comic plays, a business agent and a matchmaker. Modena himself maintains that he got hold of the book by chance and that it was written in the year 1500 by a Spanish Jew of the peculiar name 'Amitai ben Yedhaya ibn Roz, i.e. the True Man, son of Goodness-Knows-Who, son of Secrecy. Modena's refutation, called *Sha'agbath 'Aryeh, the Roar of the Lion*, is only dealing with a few of 'Amitai's arguments and hardly carries conviction. It is, however, quite possible that the rest of Modena's answers are lost. Only recently an attempt has

¹ Cf. *Beḥinath ha-Kabbalah* (Görtz, 1852), p. 56.

been made to accept his statement as true and to consider *Kol Sakhal* as an independent work of an anonymous Marrano author with strong Karaite leanings.¹ A decision on this question cannot here be our concern. But it should be pointed out that Modena's version of "613 Commandments",² which appeared in 1612, follows Maimonides' classification without reservation or qualification regarding the law on interest. Modena's *Responsa*³ too followed traditional lines, as far as the problem of interest from Gentiles is concerned, and the relevant section in his *Riti Hebraici*⁴ betrays apologetic tendencies and the rules of the censor in every language in which the book appeared, i.e. in Italian, English and French. Moreover, all editions vary, and they all differ from the views expressed in the anonymous treatise *Kol Sakhal*.

This is its text:

The Torah did not forbid interest at all, only usury (*neshekb*), i.e. something that bites, something improper and against ethical conduct. The whole question is to be judged (even amongst Jews) according to the viewpoint of the leaders of a given place, according to business usage and according to time. With foodstuff, on the other hand, everything beyond the original cost is forbidden, because in the case

¹ Cf. Ellis Rivkin in a series of articles in *J.Q.R.* xxxviii-xli (1947-51), especially xli, 320. Rivkin has summarized his views on *Leon da Modena and the Kol Sakhal* in his book which appeared in Cincinnati in 1952.

² Cf. his *Lebb ba-'Aryeh* (Venice, 1612), Positive Commandments 142, 206, negative 203.

³ They will soon be edited from a British Museum MS. by Dr S. Simonsohn.

⁴ Cf. the *editio princeps* (Paris, 1637) (in Italian), p. 44, the English edition (London, 1650), p. 5, the French edition (Paris, 1681), p. 65. Another Italian edition was printed in Venice in 1714 *con licenza de' Superiori*. The text of the *editio princeps* is not without importance for the modern presentation of the problem. Its translation runs as follows: "It is true that through the misery to which long captivity has reduced the Jews, and through the laws which prevent them almost everywhere from owning land, from many other trading activities and from respectable and useful professions, they have become abased in spirit and they have degenerated from the [ancient] Jewish uprightness. For the same reason the Jews openly allowed the taking of interest [from Gentiles] as it is said 'unto a foreigner thou mayest lend upon interest, but unto thy brother thou shalt not lend upon interest'. Now 'foreigner' in this passage can only refer to the seven nations of old, the Hittites, the Amorites, etc. which God even commanded to kill. [Yet the Jews take interest from their Christian neighbours] since nothing is left for their maintenance and there are not many who treat them as brothers by nature."

INTEREST TAKEN BY JEWS FROM GENTILES

of money the giver and receiver may benefit from it. Foodstuff, however, does not alter or change in such a loan transaction, but is only borrowed for the sake of maintaining life. A proof of this can be found in Scripture. In connexion with money only "biting" (*neshekb*) is forbidden, but with victuals even ordinary increase (*marbith*).

But if one's friend makes profit out of the money he borrowed, and such money is not returned in its original form, it is not forbidden that the debtor should pay an appropriate sum as interest for the loan. . . . It is better to be helped with little expense [by paying a low rate of interest] than having to sell things with great disadvantage and loss. Otherwise all social order would be destroyed. It is proper to organize a community in such a way as is customary amongst some of the other nations.

It is no accident that such views remained in manuscript form until the middle of the nineteenth century. They belong to what might be termed "heretic" Hebrew literature. In contrast to the wide acceptance of Calvin's economic theories in Christian Europe they did not gain a foothold in Judaism before the nineteenth century, and were contested even then, because they constituted a break with the Covenant idea which was considered binding for Jews only. Like many suggestions of Jewish scholars of the Renaissance the new concept went underground, as it were, to be unearthed only in the period of emancipation.

Even when the Jews were re-admitted to this country in the middle of the seventeenth century after they had been expelled as moneylenders at the end of the thirteenth, Menasseh ben Israel in his *Humble Address to His Highness the Lord Protector of the Commonwealth of England* did not deem it necessary to revoke the ancient distinction. "For", as he puts it, "to lay out their money without any profit was commanded only towards their brethren of the same Nation of the Jews: but not to any other Nation."¹

¹ Cf. B. N. Nelson, *op. cit.*, p. 99.